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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,491	10/27/2003	Dong-Min Kim	P2046US	4281

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DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO, IL 60606

EXAMINER	
HERNANDEZ, NELSON D	
ART UNIT	PAPER NUMBER
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/694,491	KIM, DONG-MIN	
	Examiner	Art Unit	
	Nelson D. Hernandez	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/30/2004, 12/23/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1-3, 6, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 in view of Winkler, EP 1246434 A1.

Regarding claim 1, Nishigaki discloses a method for altering a digital camera display (Fig. 3: DSP) to facilitate readability, the method comprising the steps of: (a) displaying at least one menu item (See figs. 1 and 2) on a display screen; (b) determining whether a user has selected a menu item (See menu item selected as shown in fig. 1a; see English Translation, page 4, ¶ 0012-0013); (c) magnifying the selected menu item (See magnified selected menu item as shown in fig. 1a; see English Translation, page 4, ¶ 0012-0013; page 5, ¶ 0018 – page 6, ¶ 0019; page 8, ¶ 0026-0027).

Nishigaki does not explicitly disclose that said magnification to the menu item is done when an impaired vision mode is set.

However, Winkler teaches a method for altering a portable electronic device display (See fig. 1), the method comprising the steps of: (a) displaying at least one menu item (See menu items on display 101 as shown in fig. 1) on a display screen; (b)

determining whether a user has selected a menu item (See menu item 401 being selected); (c) determining whether an impaired vision mode is set (The examiner is reading the circular arrangement shown in fig. 4a as the impaired vision mode from the displays arrangements including the circular arrangement, grid-like arrangement or lined up icons arrangement that can be set by the user; col. 9, ¶ 0045 – col. 10, ¶0047); (d) if the impaired vision mode is set, magnifying the selected menu item (See item 401 magnified in the impaired vision mode (circular arrangement)) (Col. 9, ¶ 0045 – col. 10, ¶0047).

Therefore, taking the combined teaching of Nishigaki in view of Winkler as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki to determine whether an impaired vision mode is set and to magnify the selected menu item if the impaired vision mode is set. The motivation to do so would have been to allow the user to better recognize the items to be selected while operating the camera even when the camera screen is of a small size.

Regarding claim 2, the combined teaching of Nishigaki in view of Winkler as applied to claim 1 teaches that the selected menu item is magnified for a set time and then returned to its original size (the selected item is magnified the amount of time that the user decides to have it selected and when the user decides to select a different item the previous selected item would become smaller (Winkler, col. 9, ¶ 0045 – col. 10, ¶0047); this reads as having selected menu item magnified for a set time and then returned to its original size).

Regarding claim 3, limitations can be found in claim 2.

Regarding claim 6, claim 6 is written in a Markush type by using the expression "comprises at least one of an operation mode menu, a flash menu, a focusing menu, a focusing mark menu, a charge state menu, or a white balance menu", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Nishigaki discloses that the at least one menu item comprises an operation mode (i.e. Digital Zoom; see English Translation, page 4, ¶ 0012-0013).

Regarding claim 9, the combined teaching of Nishigaki in view of Winkler as applied to claim 1 teaches the step of: (e) if the impaired vision mode is not set, displaying the selected menu item at normal size (Winkler teaches that the display arrangement mode is set by the user (col. 9, ¶ 0045 – col. 10, ¶0047); therefore if the user decides whether to select a display arrangement mode different than the circular arrangement (impaired vision mode) (i.e. grid mode), the selected item would not be magnified, it would be displayed at normal size). Grounds for rejection claim 1 apply here.

Regarding claim 10, Nishigaki discloses that the at least one menu item relates to one item in a main menu (See English Translation, pages 2-3, ¶0005).

Regarding claim 11, claim 11 is written in a Markush type by using the expression "comprises at least one of a basic setting menu, a memory card setting

menu, a picture setting menu, or a photographing setting menu", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Nishigaki discloses that the main menu comprises a photographing setting menu (i.e. Auto Exposure shift; see English Translation, page 4, ¶ 0012-0013).

Regarding claim 12, claim 12 is written in a Markush type by using the expression "comprises at least one of a reset menu, a memory card format menu, an output sound setting, a power control menu, a sleep mode setting menu, or a file setting menu, and the main menu item is a basic setting menu", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Nishigaki discloses that the at least one menu item comprises an output sound setting (see English Translation, page 3, ¶ 0007).

Regarding claim 13, Nishigaki discloses a method for altering a digital camera display (Fig. 3: DSP) to facilitate readability, the method comprising the steps of: displaying at least one menu item (See figs. 1 and 2) on a display screen; sequentially

magnifying and displaying each menu item (See magnified selected menu item as shown in fig. 1a; wherein the user selected each of the menu items and said items are sequentially magnified as the user change form a selected menu item to the next menu items; see English Translation, page 4, ¶ 0012-0013; page 5, ¶ 0018 – page 6, ¶ 0019; page 8, ¶ 0026-0027).

Nishigaki does not explicitly disclose determining whether an impaired vision mode is set and that said sequentially magnification to the menu items is done when an impaired vision mode is set.

However, Winkler teaches a method for altering a portable electronic device display (See fig. 1), the method comprising the steps of: (a) displaying at least one menu item (See menu items on display 101 as shown in fig. 1) on a display screen; (b) determining whether a user has selected a menu item (See menu item 401 being selected); (c) determining whether an impaired vision mode is set (The examiner is reading the circular arrangement shown in fig. 4a as the impaired vision mode from the displays arrangements including the circular arrangement, grid-like arrangement or lined up icons arrangement that can be set by the user; col. 9, ¶ 0045 – col. 10, ¶0047); (d) if the impaired vision mode is set, magnifying the selected menu item (See item 401 magnified in the impaired vision mode (circular arrangement)) (Col. 9, ¶ 0045 – col. 10, ¶0047).

Therefore, taking the combined teaching of Nishigaki in view of Winkler as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki to determine whether an impaired vision mode

is set and to sequentially magnify the selected menu items if the impaired vision mode is set. The motivation to do so would have been to allow the user to better recognize the items to be selected while operating the camera even when the camera screen is of a small size.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 in view of Winkler, EP 1246434 A1 and further in view of Steele, US Patent 5,973,694.

Regarding claim 4, the combined teaching of Nishigaki in view of Winkler fails to teach that the user selects a menu item by maneuvering a marker over the menu item.

However, maneuvering a marker over a menu item to select it is notoriously well known in the art as taught by Steele. Steele the use of a marker (arrow as shown in fig. 2A) on a display user interface to select from among a plurality of menu icons (see icons in figs. 2A-2C), wherein the selected icon is magnified for a specific period of time so that the user can better visualize the selected icon (Col. 5, lines 25-34; col. 25-67).

Therefore, taking the combined teaching of Nishigaki in view of Winkler and further in view of Steele as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki and Winkler by maneuvering a marker over a menu item to select it. The motivation to do so would have been to facilitate the user the selections of a menu item from a large group of menu items.

Regarding claim 5, limitations can be found in claim 4.

4. **Claims 7, 8, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 in view of Winkler, EP 1246434 A1 and further in view of Kurase, US 2002/0063783 A1.**

Regarding claim 7, the combined teaching of Nishigaki in view of Winkler fails to teach the steps of: (a1) determining whether a shutter button has been pressed to a first stage (a2) if the shutter button has been pressed to a first stage, performing photographing operation control (a3) if the shutter button has not been pressed to a first stage, proceeding to step (b).

However, Kurase teaches a digital camera (Fig. 1) comprising a display (Fig. 2; 64) for displaying a menu and to be used as a viewfinder; a shutter button (Fig. 1: 24) having two stages, wherein when the camera is displaying either image information or menu information and the user presses the shutter button to a first stage, the camera performs automatic exposure and automatic focusing (if the user does not presses the shutter button to the half press position the camera would continue the display operation of either image information or menu information) (Page 3, ¶ 0042; page 4, ¶ 0054-0055; page 6, ¶ 0085; page 9, ¶ 0122).

Therefore, taking the combined teaching of Nishigaki in view of Winkler and further in view of Kurase as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki and Winkler by determining whether a shutter button has been pressed to a first stage; if the shutter button has been pressed to a first stage, performing photographing operation control if the shutter button has not been pressed to a first stage, proceeding to step (b). The

motivation to do so would have been to have the camera performing image operation prior to photography so it would accelerate the image processing for the captured image and would also help let the user determine whether to take or not the image after the pre-process is performed.

Regarding claim 8, limitations can be found in claim 7.

Regarding claim 15, the combined teaching of Nishigaki in view of Winkler and further in view of Kurase as applied to claim 7 teaches the subsequent steps of: determining whether a shutter button has been pressed to a first stage (see Kurase, page 3, ¶ 0042); if the shutter button has been pressed to a first stage, proceeding with the remaining steps (since the claim does not explicitly indicates which are the remaining steps the Examiner will read the remaining steps as automatic exposure and automatic focusing; see Kurase, page 3, ¶ 0042); determining whether the shutter button has been pressed to a second stage (see Kurase, page 4, ¶ 0054-0055); if the shutter button has been pressed to a second stage, proceeding with the remaining steps; executing a photograph (see Kurase, page 4, ¶ 0054-0055); compressing image data (see Kurase, page 4, ¶ 0054-0055); generating a compressed image file (see Kurase, page 4, ¶ 0054-0055); and storing the image file in a recording medium (memory card as shown in fig. 3: 94; see Kurase, page 4, ¶ 0054-0055). Grounds for rejecting claim 7 apply here.

Regarding claim 16, limitations can be found in claim 15.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 and Winkler, EP 1246434 A1 in view of Kurase, US 2002/0063783 A1 and further in view of Niikawa, US 2004/0201767 A1.

Regarding claim 14, the combined teaching of Nishigaki in view of Winkler and further in view of Kurase teaches: fails to teach the initial steps of: determining whether a shutter button has been pressed to a first stage (see Kurase, page 3, ¶ 0042); if the shutter button has been pressed to a first stage, proceeding with the remaining steps (see Kurase, page 3, ¶ 0042); determining whether a memory card has sufficient available memory to store a photograph (see Kurase, page 9, ¶ 0122); if the memory card does not have sufficient available memory, displaying a message indicating the lack of sufficient available memory and terminating the procedure (See Kurase, page 7, ¶ 0104-0105; page 9, ¶ 0122); if the memory card does have sufficient available memory, proceeding with the remaining steps (in Kurase, if the memory card is not full the camera will proceed to capture and record the image; page 7, ¶ 0104-0105; page 9, ¶ 0122); executing automatic exposure (Kurase, page 3, ¶ 0042); and executing automatic focusing (Kurase, page 3, ¶ 0042) but fails to teach executing automatic white balance.

However, Niikawa teaches a digital camera (Fig. 3) comprising a shutter button (Fig. 3: 9) wherein , when the user presses said shutter button to a half way position, the camera proceeds with the steps of executing automatic white balance, executing automatic exposure, and executing automatic focusing (Pages 3-4, ¶ 0066).

Therefore, taking the combined teaching of Nishigaki and Winkler in view of Kurase and further in view of Niikawa as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishigaki, Winkler and Kurase by executing automatic white balance as an additional processing. The motivation to do so would have been to adjust the color values and perform other image processing prior to capture and record the image so it would accelerate the image processing for the captured image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
January 20, 2007

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600